

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>DALE W. THORPE and RENEE M.</b>	<b>:</b>	
<b>THORPE,</b>	<b>:</b>	
<b>Plaintiffs,</b>	<b>:</b>	
	<b>:</b>	
<b>v.</b>	<b>:</b>	<b>CIVIL ACTION NO. 14-6154</b>
	<b>:</b>	
	<b>:</b>	
<b>UPPER MAKEFIELD TOWNSHIP, et al</b>	<b>:</b>	
<b>Defendants.</b>	<b>:</b>	

**ORDER**

AND NOW, this 5th day of November 2015, upon consideration of Defendants' Motion to Dismiss or for Summary Judgment [Doc. No. 15] and the responses and replies thereto, it is hereby **ORDERED** that the Motion is **GRANTED in part and DENIED in part** as follows: All claims against Defendant Kernan are **DISMISSED**, Count V is **DISMISSED** as to Upper Makefield Township, and Count IV is **DISMISSED** against all Defendants. The Motion is otherwise **DENIED**.

It is further **ORDERED** that Plaintiffs are granted leave to file a motion for leave to file an Amended Complaint within **21 days** of the date of this Order. If Plaintiffs choose to file such a motion, it must include a proposed Amended Complaint as an exhibit. If Plaintiffs do not file a motion for leave to file an Amended Complaint, then Defendants shall answer the Complaint within **28 days** of the date of this Order.

It is so **ORDERED**.

**BY THE COURT:**

**/s/Cynthia M. Rufe**

**CYNTHIA M. RUFE, J.**